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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 05-00727 JF / PVT
12)
Plaintiff,)
13)
v.) **STIPULATION TO CONTINUE**
14) **HEARING AND EXCLUDE TIME;**
SERGIO FIGUEROA-CASTENADA,) **[PROPOSED] ORDER**
15)
Defendant.)
16)

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Wednesday, September 13, 2006, be continued to Wednesday, October 18, 2006, at 9:00 a.m.

20 The continuance is requested to allow time for resolution of petitions filed in state court
21 by Mr. Figueroa's attorney, Alex Reisman, Esq., regarding the validity of convictions that
22 resulted in Mr. Figueroa's deportation. The parties agree that a continuance is appropriate to
23 allow completion of this process.

24 The parties further agree that time should be excluded under the Speedy Trial Act because
25 the defense requires time for effective preparation and investigation, and the ends of justice
26 outweigh the defendant's and the public's need for a speedy trial.

1 Dated: 09/11/2006

/s/
LARA S. VINNARD
Assistant Federal Public Defender

3 Dated:

SUSAN KNIGHT
Assistant United States Attorney

5
6 **ORDER**

7 The parties have jointly requested a continuance of the hearing set for September 13,
8 2006, to allow time for resolution of petitions filed in state court by Mr. Figueroa's attorney
9 regarding the validity of convictions that resulted in his deportation.

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
11 presently set for September 13, 2006, be continued to October 18, 2006, at 9:00 a.m.

12 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
13 from September 13, 2006, to October 18, 2006, shall be excluded from the period of time within
14 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

15 Dated: 9/13/06


JEREMY FOGEL
United States District Judge